

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7163

BILL NUMBER: SB 248

NOTE PREPARED: Jan 2, 2004

BILL AMENDED:

SUBJECT: Testimony of Child in Abuse Cases.

FIRST AUTHOR: Sen. Server

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: No Fiscal Impact

Summary of Legislation: This bill provides that children less than 14 years of age (and certain older disabled children) who are the victim of a sex crime, battery, confinement, kidnapping, incest, or neglect of a dependent may not be required to testify at trial more than once or upon retrial. The bill permits the introduction of the child's videotaped testimony under certain conditions.

Effective Date: July 1, 2004.

Explanation of State Expenditures: Current statute allows a statement or videotape to be admissible in evidence in a criminal action if the court finds a person to be unavailable as a witness for one of the following reasons: (I) from the testimony of a psychiatrist, physician, or psychologist, and other evidence, if any, the court finds that the protected person's testifying in the physical presence of the defendant will cause the protected person to suffer serious emotional distress such that the protected person cannot reasonably communicate; (ii) the protected person cannot participate in the trial for medical reasons; and (iii) the court has determined that the protected person is incapable of understanding the nature and obligation of an oath. This bill would add an additional reason to this list, a child victim who has previously testified at a criminal trial for a criminal action and who has been subject to cross-examination.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources:

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